

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

JENNIFER CONNER, Plaintiff, vs. IOWA HEALTH DES MOINES and IOWA HEALTH SYSTEM, Defendants.	CASE NO. 4:13-cv-160 COMPLAINT AND JURY DEMAND
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Plaintiff Jennifer Conner states in support of her Complaint and Jury Demand as follows:

INTRODUCTION

1. This is an action against Iowa Health System and Iowa Health Des Moines, an affiliate of Iowa Health System, for discrimination based on Plaintiff's disability in violation of her rights protected by state and federal law. This action is brought to redress Plaintiff's rights under the Americans with Disabilities Act ("ADA"), as amended by the Americans with Disabilities Act Amendments Act ("ADAAA") (both the ADA and the ADAAA shall be hereinafter referred to collectively as the "ADAAA") (42 U.S.C. §12101 *et seq.*), and the Iowa Civil Rights Act, Iowa Code § 216.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 and 42 U.S.C. §12101 *et seq.*

3. This Court has supplemental jurisdiction over Plaintiff's claims under the Iowa Civil Rights Act, Iowa Code § 216, pursuant to 28 U.S.C. § 1367

4. The unlawful employment practices described herein were committed within the State of Iowa in Polk County. Accordingly, venue in this Court is proper pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Plaintiff Jennifer Conner is a resident of Indianapolis, Marion County, Indiana. At all times material to the acts of discrimination described herein, Conner was a resident of Des Moines, Polk County, Iowa.

6. Defendant Iowa Health Des Moines ("IHDM") serves as the parent to four Des Moines area hospitals, including Iowa Methodist Medical Center.

7. Defendant IHDM is a covered entity as defined by the ADAAA, 42 U.S.C. § 12111(2) and 42 U.S.C. § 12111(5).

8. Defendant Iowa Health Des Moines is an affiliate of Defendant Iowa Health System ("IHS").

9. Defendant IHS is a covered entity as defined by the ADAAA, 42 U.S.C. § 12111(2) and 42 U.S.C. § 12111(5).

10. Defendants IHDM and IHS were joint employers as to Plaintiff at all times material to the acts of discrimination described herein.

FACTUAL BACKGROUND

Conner's Disability

11. Conner was diagnosed with Paruresis during adolescence. Paruresis, commonly referred to as "shy bladder" syndrome, is the inability to urinate in public restrooms or in close proximity to other people.

12. Paruresis is generally considered to be an anxiety condition mentioned in the DSM IV under category 300.23.

13. Paruresis is a disability under the ADAAA and the Iowa Civil Rights Act.

14. When required to use public restrooms, Conner has managed her Paruresis by using single-stall restrooms, as using a restroom being used by others (i.e. when there is a line) often results in Conner feeling rushed and increases her anxiety.

15. If Conner cannot flush the toilet or run the water in the sink, she is generally unable to urinate in a public restroom.

16. Conner's inability to urinate in public restrooms when she physically needs to urinate leads to significant physical discomfort, increased anxiety, and further inability to urinate.

Conner's Application for Employment with IHDM

17. Conner obtained her master's degree in Healthcare Administration from Des Moines University in May 2012.

18. In late April or early May 2012, Conner applied for an Administrator position with Iowa Methodist Transplant Center, a branch of the Iowa Methodist Medical Center for which Defendant IHDM serves as a parent entity.

19. After applying for the position of Administrator of the Organ Transplant Department, Conner received a call from Iowa Methodist Transplant Center's Director of Clinic Operations, encouraging Conner to instead apply for the position of Organ Transplant Financial Coordinator, for which Conner might be a better fit.

20. Thereafter, on about May 7, 2012, Conner applied for the position of Organ Transplant Financial Coordinator with Iowa Methodist Transplant Center.

21. On or about May 18, 2012, Conner was interviewed for the Organ Transplant Financial Coordinator position. She then received a second interview.

22. On or about June 22, 2012, Defendant IHDM offered Conner the position of Organ Transplant Financial Coordinator. The Director of Clinic Operations instructed Conner to contact Human Resources and schedule her orientation and pre-employment physical.

23. That same day, Conner reported to Human Resources, completed her new-hire paperwork, and had her picture taken for her employee badge.

24. Human Resources instructed Conner to schedule a pre-employment physical and drug screen, which Conner scheduled immediately.

The Pre-Employment Drug Screen

25. On or about June 25, 2012, Conner reported to Iowa Health's Occupational Health West Des Moines Clinic and passed her pre-employment physical without incident. Conner was then informed that she needed to complete a drug screen by providing a urine sample.

26. When it came time to provide a urine sample, Conner did not feel like she had to urinate. She requested the accommodation of being permitted to sit in the waiting room of the office and drink a soda; the nurse granted Conner's request.

27. Conner also informed the nurse administering the test that she suffered from shy bladder and that it might therefore take her awhile to provide a urine sample.

28. After Conner sat in the waiting room and drank a soda, a second nurse came to get Conner and obtain her urine sample. Conner also informed the second nurse that she suffered from shy bladder and that it might therefore take her awhile to provide a urine sample.

29. The second nurse informed Conner that it was standard procedure to allow four minutes to provide a urine sample for the drug test, and the nurse would then knock on the restroom door.

30. Conner knew that the nurse's knocking on the restroom door after four minutes would increase her anxiety level and exacerbate her inability to urinate, and therefore requested the accommodation of the second nurse waiting for more than four minutes before knocking on the door. The second nurse responded that four minutes was the rule.

31. The second nurse placed Conner in a restroom with no running water and no flushing toilet.

32. After four minutes, Conner exited the restroom because she knew that she was approaching her four minute time limit and did not want the nurse to knock on the door and increase her anxiety and inability to urinate. Because of the Paruresis, Conner could not urinate, so when she exited the restroom she asked the second nurse for additional time. That nurse waited approximately two minutes and then knocked on the restroom door.

33. When the second nurse knocked on the restroom door, he informed Conner that someone else needed to use the restroom and instructed Conner to go back to the waiting room. Conner complied.

34. While in the waiting room, Conner began to experience significant physical discomfort because while she needed to urinate, she could not. She also began to feel increasingly anxious and began to cry.

35. Conner made a third unsuccessful attempt at providing a urine sample for the drug test, and then informed the staff that she could not provide a sample under the conditions as they were.

36. Conner also told the staff that she needed to discuss accommodations that would permit her to successfully provide IHDM with a urine sample as part of her pre-employment physical.

37. Needing to urinate, Conner relieved herself in a nearby bathroom with running water and a flushing toilet.

Conner's Requests for Accommodations

38. Conner returned to the waiting area, and began to discuss possible accommodations with the staff. Specifically, Conner asked if she could provide a blood sample, if a straight catheter could be administered, or if she could get a doctor's note regarding her Paruresis. Conner offered to pay for any extra cost that might be associated with the accommodations.

39. A nurse responded to Conner's request for accommodations by telling her that the only option was for Conner to go to lunch and come back and try again. Knowing this would be futile, Conner went home.

40. Conner then called Iowa Health's Occupational Health West Des Moines Clinic to discuss completion of the drug test. She was informed that if she did not

provide a urine sample by 4:00 p.m. that day, she would be considered as having failed the drug test.

41. Conner called IHDM's Human Resources office. She spoke with both a secretary and a recruiter, outlined the details of her Paruresis and her inability to provide a urine sample at Iowa Health's Occupational Health West Des Moines Clinic earlier that day, and again requested that IHDM provide her with accommodations that would permit her to take the drug test.

42. Conner also called Iowa Methodist Transplant Center's Director of Clinic Operations and outlined the details of her Paruresis and her inability to provide a urine sample at Iowa Health's Occupational Health West Des Moines Clinic earlier that day, and again requested that IHDM provide her with accommodations that would permit her to take the drug test.

43. Conner heard nothing further from IHDM until June 26, 2012, when a recruiter from Human Resources called Conner to inform her that because she was unable to provide a urine sample for the drug test, IHDM considered her to have failed the test.

44. On June 26, 2012, IHDM rescinded its offer of employment to Conner, and informed her that because of the failed drug test, she could not apply for a position with IHDM for one year.

CAUSES OF ACTION

COUNT I

**VIOLATION OF THE AMERICANS WITH DISABILITIES ACT as amended by the
AMERICAN WITH DISABILITIES ACT AMENDMENTS ("ADAAA"),
42 U.S.C. §12101 et seq.**

45. Plaintiff incorporates paragraphs 1 through 44 of this Complaint as if fully set forth herein.

46. Plaintiff is protected from disability discrimination by the ADAAA because she has a disability and/or has a history or record of having a disability.

47. At all material times hereto, Conner was qualified for the position of Organ Transplant Financial Coordinator.

48. Plaintiff's disability and/or history or record of having a disability was a motivating factor in the Defendants' conduct, including but not limited to, the following: refusing to accommodate her known physical impairments; refusing to allow her to utilize alternative methods of providing a urine sample for a drug test; refusing to allow her to utilize alternative methods of taking a drug test; rescinding her offer of employment, and barring her from re-employment with Defendants for one year.

49. Plaintiff attempted to engage Defendants in an interactive process in an effort to obtain reasonable accommodations for her disability.

50. Defendants failed to participate in an interactive process and, therefore, refused Plaintiff's requests for reasonable accommodations.

51. Defendants' failure to engage in the interactive process in a good faith attempt to achieve a reasonable accommodation of Plaintiff's disability is a violation of the ADAAA.

52. Defendants' failure to reasonably accommodate Plaintiff's disability is a violation of the ADAAA.

53. Defendants' treatment of Plaintiff as set out above constitutes unlawful discrimination against Plaintiff because she is disabled as defined by the ADAAA.

54. Defendants' conduct was willful and/or undertaken with disregard for Plaintiff's federally protected rights.

55. As a proximate result of the Defendants' actions as set forth above, Plaintiff has suffered and will, in the future, suffer emotional distress, mental anguish, pain and suffering, inconvenience, humiliation, loss of the enjoyment of life, medical expenses, and the loss of wages and benefits

56. Plaintiff requests relief as set forth below.

COUNT II
VIOLATION OF THE IOWA CIVIL RIGHTS ACT ("ICRA"),
IOWA CODE § 216

57. Plaintiff incorporates paragraphs 1 through 56 of this Complaint as if fully set forth herein.

58. Plaintiff is protected from disability discrimination by the ICRA because she has a disability and/or has a history or record of having a disability.

59. At all material times hereto, Conner was qualified for the position of Organ Transplant Financial Coordinator.

60. Plaintiff's disability and/or history or record of having a disability was a motivating factor in the Defendants' conduct, including but not limited to, the following: refusing to accommodate her known physical impairments; refusing to allow her to utilize alternative methods of providing a urine sample for a drug test; refusing to allow her to utilize alternative methods of taking a drug test; rescinding her offer of employment, and barring her from re-employment with Defendants for one year.

61. Plaintiff attempted to engage Defendants in an interactive process in an effort to obtain reasonable accommodations for her disability.

62. Defendants failed to participate in an interactive process and, therefore, refused Plaintiff's requests for reasonable accommodations.

63. Defendants' failure to engage in the interactive process in a good faith attempt to achieve a reasonable accommodation of Plaintiff's disability is a violation of the ICRA.

64. Defendants' failure to reasonably accommodate Plaintiff's disability is a violation of the ICRA.

65. Defendants' treatment of Plaintiff as set out above constitutes unlawful discrimination against Plaintiff because she is disabled as defined by the ICRA.

66. Defendants' conduct was willful and/or undertaken with disregard for Plaintiff's rights under state law.

67. As a proximate result of the Defendants' actions as set forth above, Plaintiff has suffered and will, in the future, suffer emotional distress, mental anguish, pain and suffering, inconvenience, humiliation, loss of the enjoyment of life, medical expenses, and the loss of wages and benefits

68. Plaintiff requests relief as set forth below.

RELIEF

Plaintiff respectfully requests the Court grant the following relief:

COUNT I

A. Enter a judgment against Defendants for violating Plaintiff's rights under the ADAAA;

B. Grant equitable relief to ensure that Defendants will not in the future engage in any employment practice which discriminates on the basis of disability and violates the ADAAA;

C. Order Defendants to make Plaintiff whole by awarding her lost earnings and the value of her lost benefits and order the reinstatement of Plaintiff to the position originally offered to her or award her front pay in lieu of reinstatement;

D. Order Defendants to make Plaintiff whole by providing compensation for pecuniary losses including, but not limited to, costs to be incurred for health and life insurance premiums and costs associated with seeking new employment;

E. Order Defendants to make Plaintiff whole by providing compensation for non-pecuniary losses, including without limitation, emotional distress, mental anguish, pain and suffering, inconvenience, humiliation and the loss of the enjoyment of life;

F. Award Plaintiff punitive damages against Defendants for acting with malice or reckless indifference in violating the Plaintiff's protected rights under the ADAAA;

G. Award Plaintiff, against Defendants, a judgment for her reasonable attorney fees and costs pursuant to the ADAAA;

H. Award pre-judgment interest, against Defendant, as allowed by law; and

I. Grant such further relief as the Court deems necessary and proper.

COUNT II

J. Enter a judgment against Defendants for violating Plaintiff's rights under the ICRA;

K. Grant equitable relief to ensure that Defendants will not in the future engage in any employment practice which discriminates on the basis of disability and violates the ICRA;

L. Order Defendants to make Plaintiff whole by awarding her lost earnings and the value of her lost benefits and order the reinstatement of Plaintiff to the position originally offered to her or award her front pay in lieu of reinstatement;

M. Order Defendants to make Plaintiff whole by providing compensation for pecuniary losses including, but not limited to, costs to be incurred for health and life insurance premiums and costs associated with seeking new employment;

N. Order Defendants to make Plaintiff whole by providing compensation for non-pecuniary losses, including without limitation, emotional distress, mental anguish, pain and suffering, inconvenience, humiliation and the loss of the enjoyment of life;

O. Award Plaintiff punitive damages against Defendants for acting with malice or reckless indifference in violating the Plaintiff's protected rights under the ICRA (Plaintiff understands that the Iowa Supreme Court is currently considering whether punitive damages are presently allowed under Iowa Code Chapter 216; Plaintiff believes in good faith that the law is clear that punitive damages are allowed under Iowa Code Chapter 216);

P. Award Plaintiff, against Defendants, a judgment for her reasonable attorney fees and costs pursuant to the ICRA;

Q. Award pre-judgment interest, against Defendants, as allowed by law; and

R. Grant such further relief as the Court deems necessary and proper.

VII. JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues herein.

Respectfully submitted,

/s/ Thomas W. Foley

Thomas W. Foley AT 0002589

Katie Ervin Carlson AT 0008958

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ATTORNEYS FOR PLAINTIFF

Original filed.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.